

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICIA WAGERS, :  
Plaintiff, : CONSOLIDATED UNDER  
v. : MDL 875  
SGL CARBON, LLC, : E.D. PA CIVIL ACTION NO.  
Defendant. : 2:10-02916

O R D E R

**AND NOW**, this **6th** day of **April**, 2011, it is hereby  
**ORDERED** that Defendant's Motion for Summary Judgment is **DENIED**.  
(doc. no. 12.)

It is further **ORDERED** that the issue of whether Plaintiff should be entitled to punitive damages is **DENIED** as moot.<sup>1</sup>

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno

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**EDUARDO C. ROBRENO, J.**

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<sup>1</sup> This Court finds that the issue of punitive damages must be resolved at a future date with regard to the entire MDL-875 action, and therefore any claims for punitive or exemplary damages are hereby **SEVERED** from this case and retained by the Court within its jurisdiction over MDL-875 in the Eastern District of Pennsylvania. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over exemplary punitive damage windfalls; this prudent conservation more than vindicates the Panel's decision to withhold punitive damages on remand."); see also In re Roberts, 178 F.3d 18 (3d. Cir. 1999).